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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 AUG 21 AM 11:01
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff,	Magistrate Docket No. '08 MJ 2574
v.	COMPLAINT FOR VIOLATION OF:
Jose AVALOS-Llamas, Defendant	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **August 19, 2008,** within the Southern District of California, defendant, **Jose AVALOS-Llamas,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st DAY OF AUGUST 2008

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

MJS

CONTINUATION OF COMPLAINT:
Jose AVALOS-Llamas

PROBABLE CAUSE STATEMENT

On August 19, 2008, Border Patrol Agent D. Helmick was performing his assigned duties in the Campo Border Patrol Station area of responsibility. Agent Helmick was notified of a seismic sensor activation Northeast of the Tecate, California Port of Entry.

Upon arriving in the area, Agent Helmick noticed fresh footprints. Agent Helmick followed the footprints until he encountered four individuals, including one later identified as the defendant, **Jose AVALOS-Llamas**, attempting to conceal themselves in the brush. Agent Helmick approached the four individuals, identified himself as a Border Patrol Agent, and questioned the four individuals as to their immigration status. All four individuals admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to enter or remain in the United States legally. At approximately 8:30 PM, all four individuals were placed under arrest and transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 22, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

AVALOS was given his Miranda rights and he stated that he understood his rights and was willing to answer questions without the presence of his attorney. **AVALOS** stated that he is a citizen and national of Mexico without proper immigration documentation to enter or remain in the United States.